REMARKS

Claim 29 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, and claims 29-32 and 45-48 stand rejected under 35 U.S.C. § 102 as being anticipated by Christie et al. '975. In order to expedite issuance of the present application, claims 1-48 are now canceled without prejudice/disclaimer to the subject matter embodied thereby, rendering the pending rejections thereto moot. New claims 49-53 have been added, with claim 49 being independent. It is respectfully submitted that none of the cited prior art, alone or in combination, discloses or suggests, *inter alia*, "each instruction has a boundary information bit, a value of which indicates whether the instruction should be processed together with a succeeding instruction; ... at least one of the instruction packets includes instructions which are processed sequentially, and wherein the value of the boundary information bit is determined by the compiler during static parallel scheduling" in *combination* with the other features recited in claim 49.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that none of the cited prior art anticipates claim 49, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 49 is patentable for the reasons

set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Ramyar M. Farid
Registration No. 46,692

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:men
Facsimile: 202.756.8087
Date: August 24, 2005
WDC99 1124971-1.067471.0017

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